

**FINAL MINUTES**  
Pesticide Control Board  
July 20, 2006

The Pesticide Control Board met at 9:00 a.m. in the Oliver W. Hill Building, Richmond, VA. Presiding members were Donald Fritz, Chairman and the Executive Secretary.

The following Board members were present: Dr. George Brown; Ruth Brown; Donald Fritz; Carl Garrison, III; Ernest Morse; Robin Rinaca; Mark Tubbs; Liz White and Joe Wilson. The following Board members were absent: Dr. William Bosher; Dr. Alma C. Hobbs, (represented by Dr. Asmare Atalay); and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

The following staff members were present: Andres Alvarez; Dr. Wayne Surles; J. Carlton Courter, III; Donald Blankenship; Marshall Trammell; Liza Fleeson; Joe Dictor; Doug Edwards; Kathleen Dictor; Vickie Rengers; Micah Raub; Anton Goodwyn; Don Delorme; Elaine Lidholm and Rhonda Bates.

Others present: Laurie Coulter, Rick Love, Blox Daugherty, Joedy Sheets, Angela Phillips, Jeff Phillips, John Hawthorne, David Moore, Jim Oliver, VACPA; John Horsley, Terminix; Kevin Kordek, Andrea Coron and Kristin Coron, VPMA; Don Goff and Lamar Seaborn, Chesapeake Public Schools; Donna Pugh Johnson, VA Agribusiness Council; Brock Herzberg, VA Farm Bureau; James Ward, Crop Production Services; Tom Makris, TBI Lawncare; Molly Pugh, VCGA; and Susan Nessler, VA Tech.

**CALL TO ORDER**

Chairman Fritz called the meeting to order.

**DETERMINATION OF A QUORUM**

Chairman Fritz announced that a quorum was present.

**PUBLIC COMMENT PERIOD**

Laurie Coulter, President, VA Crop Production Association (VACPA), stated that members of VACPA Board were in attendance to observe the Pesticide Control Board meeting. She provided background information on the VACPA Board and the issues facing it.

Tom Makris, TBI Lawncare in Springfield, VA, requested that the Board give serious consideration to translating pesticide tests, manuals and labels into Spanish.

**APPROVAL OF MINUTES**

Mr. Morse moved to adopt the minutes of the April 20, 2006 Board meeting. Dr. Brown seconded. The motion carried unanimously.

### **REGULATORY UPDATES**

Marshall Trammell reported that a time waiver request was submitted for 2 VAC 20-20 & 25, *Enforcement of Pesticide Law & Pesticide Registration* to allow sufficient time to develop draft language with interested parties and staff on some particularly difficult issues such as discontinuance of registration for pesticides. 2 VAC 20-40, *Licensing of Pesticide Businesses*, is in the final stage and awaiting the Governor's approval. 2 VAC 20-51, *Pesticide Applicator Certification* is in the proposed stage.

### **ENFORCEMENT ACTIVITIES FOR THE QUARTER**

Joe Dictor provided a summary of enforcement activities for the quarter.

Mr. Tubbs, Chair of the Enforcement Committee, presented three cases to the Board for approval where the hearing officers adjusted the penalties greater than 25%. In case 26124 involving NaturChem, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the civil penalty from \$4,000 to \$2,500. Dr. Brown seconded. The motion carried unanimously. In case 23503 involving the City of Chesapeake, Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the civil penalty from \$520 to \$400. Dr. Brown seconded. The motion carried unanimously. In case 24657 involving Agra Lawns, Inc., Mr. Tubbs moved to accept the hearing officer's recommendation to reduce the civil penalty from \$2,000 to \$650. Dr. Brown seconded. The motion carried unanimously.

### **PRETREATMENT TERMITICIDE ENFORCEMENT PLAN**

Dr. Surles provided an update of the pretreatment termiticide enforcement plan. He reminded all that on the national level the ASPCRO Termite Control Discussion Group is comprised of representatives from ASPCRO, NPMA, RISE and the EPA, and from that group two subcommittees were formed – Label Review Committee and Performance Based Approach Committee. He stated that the performance based approach involves education and enforcement which offers strong immediate potential, while federal label review will take many years. Dr. Surles then reported on the VA Enforcement Plan. He introduced Kevin Kordek who reported on the education component of that plan. Mr. Kordek informed the Board that the Soil Pretreatment Termiticide Application Training Program is ahead of schedule and that the training manual is nearly complete. He also reviewed the proposed agenda for the training program. Dr. Surles continued with facets of the enforcement component – labels, appeals process, history of misuse, records review, double the termite inspections, utilizing supplemental labeling, and oversight of applications.

### **STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM**

Dr. Weaver and Susan Nessler provided updates on the status of the manual development and on the pesticide applicator training programs. Dr. Weaver reported that the 2006 Pesticide Safety Educators Workshop is scheduled October 11-12, 2006

in Blacksburg, VA. He stated that the EPA plans to offer funding of the Pesticide Applicator Training Program on an open competitive bid basis. This will negatively impact Cooperative Extension.

Ms. Nessler highlighted new manual publications, reprints and completions.

#### **EXECUTIVE SECRETARY'S REPORT**

Dr. Surles reported that Robert Bailey and Gary Young are both back at work following extended illnesses. He named OPS' recipients of the Superb Performance On Time (SPOT) Awards – Barbara Elliotte, Robert Christian, Vickie Rengers, Kathleen Dictor and Jeffrey Rogers.

Dr. Surles encouraged Board members to read correspondence from concerned citizen William Couzens included in their board packages. He reminded everyone of the PIRT Workshop scheduled September 17-22, 2006. Last, he directed attention to OPS' Financial Analysis which was distributed to each Board member.

Mr. Tubbs presented a chart of actual revenue and expenses for OPS, and from these numbers he reported that OPS will experience a deficit beginning FY06-07.

#### **COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT**

No report.

#### **CHAIRPERSON'S REPORT**

Chairman Fritz introduced Pesticide Investigators Micah Raub and Anton Goodwyn to the Board.

Chairman Fritz appointed Ms. White and Mr. Tubbs, and any interested industry representative, to work with staff in their quest for options for maintaining fiscal self-sufficiency. He requested that the committee be prepared to present a plan at the October meeting. Mr. Blankenship suggested that the committee could consult with the VDACS' Budget office.

#### **ADJOURNMENT**

Meeting adjourned at 11:42 a.m.

**(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/371-6558.)**